



365-201

08/430698

A/FWC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. 10841US02)

#12/Rel
D. Gonzalez
06-14-95

In the Application of:)
)
Steven J. Iseberg et al.)
)
Continuation of Serial)
No.: 07/880,244)
)
Filed: March 8, 1992)
)
For: HIGH FIDELITY)
INSERT EARPHONES)
AND METHODS FOR)
MAKING SAME)

**CERTIFICATE OF MAILING BY
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April 27, 1995.

Jose Campbell

Commissioner of Patents and Trademarks
Box FWC
Washington, D.C. 20231

This is a Request for filing a

- * continuation-in-part
- X** continuation
- * divisional

application under 37 C.F.R. 1.62 of prior application

Serial No. 07/880,244

filed on May 8, 1992

entitled **HIGH FIDELITY INSERT EARPHONES AND METHODS OF
MAKING SAME**

by the following named inventor(s).

Steven J. Iseberg
Donald L. Wilson

The above identified prior application, in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application. (Note: 37 CFR 1.60 may be used for applications where the prior application is not to be abandoned.)

Enclosed are :

- * Checks in the amounts of \$365, \$345 and \$40, respectively, to cover the fees calculated below.
- * An assignment of rights in the invention, with a separate transmittal form and fee payment;
- * Petition for a three-month extension of time to file a response to the Office Action dated October 28, 1994, in the parent case.

The filing fee due for this application is affected because:

- * The small entity fee schedule applies. A verified statement that this is a filing by a small entity was filed in application Serial No. 07/880,244 on July 25, 1994. This status is still proper, and its benefit under 37 CFR 1.28(a) is hereby claimed.

The filing fees are calculated as follows for a small entity:

* Small Entity Fees

	Claims presented	Extra claims	Rate per extra claim	
Fee				
Total claims	10 - 20 = 0		x \$11 ..	.00
Indep claims	3 - 3 = 0		x \$38 ..	.00
Basic fee			\$365.00
Multiple dependent claim presented (\$120 if any present)...				____.00
Total filing fee			<u>\$365.00</u>

Fee for three-month extension of time to file response to Office Action in parent case.	\$345.00
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Fee for recording assignment.	\$ 40.00
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TOTAL FEES	<u>\$750.00</u>
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The following arrangements are being made to pay the government fees due.

- * Checks in the amounts of \$365, \$345 and \$40, respectively, to cover the above-calculated fees, are enclosed. The Commissioner is hereby authorized to charge any additional fees which are presently required, or credit any overpayment, to Deposit Account No. 13-0017.
- * The Commissioner is hereby authorized to charge the filing and extra claim fees which are presently required to Deposit Account No. 13-0017.
- * The Commissioner is hereby authorized to charge future fees which become due during the pendency of this application under 37 C.F.R. 1.16 a, b, c, d, f, or g or 37 C.F.R. 1.17 to Deposit Account No. 13-0017.

The specification should be amended as indicated below:

- * Please amend the Specification by inserting before the first line the sentence:

et ~~This is a continuation of application Serial No. 07/880,244, filed May 8, 1992, now abandoned.~~

The ownership of the application is as follows:

- * The prior application is assigned to Etymotic Research, Inc., and the original assignment is submitted herewith for recording.

The undersigned attorney is authorized to represent the applicants and receive correspondence because:

- * The power of attorney filed in the prior application and currently in force authorizes the following attorneys, including the undersigned, to act on behalf of the inventor(s):


Robert B. Polit
Reg. No. 33,993

- * A copy of the power of attorney previously filed appears in the original papers in the prior application.
- * Address all future written communications and telephone calls to:

Robert B. Polit, Esq.
McANDREWS, HELD & MALLOY, LTD.,
500 W. Madison, 34th Floor,
Chicago, IL 60661
312.707.8889

It is understood that secrecy under 35 U.S.C. 122 is hereby waived to the extent that, if information is available to any one of the applications in the file wrapper of a 37 CFR 1.62 application, be it either this application or a prior application in the same file wrapper, the Patent and Trademark Office may provide similar information or access to all the other applications in the same file wrapper.

McANDREWS, HELD & MALLOY, LTD.

By: 
Robert B. Polit
Reg. No. 33,993

Dated: April 27, 1995